

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: AVANDIA MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

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**MDL No. 1871  
No. 07-md-01871-CMR**

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**THIS DOCUMENT RELATES TO ALL  
ACTIONS**

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**ORDER**

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**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2013, upon consideration of the Twenty-Second Report and Recommendation of the Special Master As to Payment of a Common Benefit Assessment in Certain Attorney General Actions and any objections or responses thereto, it is hereby **ORDERED**:

1. The States of Kentucky, Louisiana, Maryland, Mississippi, New Mexico, South Carolina, Utah, and West Virginia (“the States”) and their counsel shall fully satisfy any obligations they otherwise would have under Pre-Trial Order No. 70 by the payment by the States’ counsel of 2.75% of the gross settlement amount in each of the eight Attorney General Actions brought by the Attorneys General of the States,<sup>1</sup> excluding costs paid by GSK (the “State Assessment”);

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<sup>1</sup> The eight actions are *Commonwealth of Ky., ex rel. Jack Conway v. GlaxoSmithKline, LLC*, No. 13-CI-717 (Franklin Circuit Court, Ky., Division I); *State of S.C. ex rel. Alan Wilson v. GlaxoSmithKline, LLC*, No. 2011-CP-42-2174 (Court of Common Pleas, County of Spartanburg, S.C.); *Jim Hood ex rel. State of Miss. v. GlaxoSmithKline, LLC*, No. G2011-1322 (Chancery Court of the First Judicial District of Hinds

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2. The firm of Heard Robins Cloud & Black will not receive any common benefit payment it would otherwise be entitled to receive pursuant to this Court's February 14, 2013 Order (doc. no. 3089) from the 2.75% assessment; rather, Heard Robins Cloud & Black's putative share of the 2.75% assessment shall remain in and become part of the Common Benefit Fund.

3. GSK is directed to withhold the State Assessment from amounts paid in each Attorney General Action at the time of funding of each settlement, and to pay the State Assessment directly into the Avandia Common Benefit Fund (the "Fund") as a credit against each Settlement. Upon payment of each State Assessment by GSK into the Fund, GSK, the State, and the State's counsel shall be released from any joint and several liability under paragraph 4(d) of Pre-Trial Order No. 70 as to each Attorney General Action wherein such State Assessment is so paid.

It is so **ORDERED**.

BY THE COURT:

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CYNTHIA M. RUFE, J.

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*Continued from previous page*

County, Miss.); *State of W. Va. ex rel. Darrell v. McGraw, Jr. v. GlaxoSmithKline, LLC*, No. 12-C-085 (Circuit Court of Wayne County, W. Va.); *State of N.M. ex rel. Gary King v. GlaxoSmithKline, LLC*, No. D-101-CV-2012-01432 (First Judicial District Court, Santa Fe, N.M.); *State of La. v. GlaxoSmithKline, LLC*, No. 599353 (Nineteenth Judicial District Court for the Parish of East Baton Rouge, La.); *State of Md. v. GlaxoSmithKline, LLC*, No. 24C13000983 (Circuit Court for Baltimore City, Md.); *Mark Shurtleff, ex rel. State of Utah v. GlaxoSmithKline, LLC*, No. 100423795 (Third Judicial District Court of Salt Lake County, West Jordan Dept., Utah).